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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,811	03/16/2001	Marysue Lucci Hansell	M1196/20001	6793
3000	7590	12/10/2004	EXAMINER	
CAESAR, RIVISE, BERNSTEIN, COHEN & POKOTILOW, LTD. 11TH FLOOR, SEVEN PENN CENTER 1635 MARKET STREET PHILADELPHIA, PA 19103-2212			CARDONE, JASON D	
			ART UNIT	PAPER NUMBER
			2145	
DATE MAILED: 12/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/810,811

**Applicant(s)**

HANSELL ET AL.

**Examiner**

Jason D Cardone

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/22/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 06/22/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the NPL does not list page numbers, dates, and other relevant data.. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Specification***

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 180 in figure 3. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet

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should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 5 is objected to because of the following informality:

There are already steps (a) and (b). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The claim discloses determining "a plurality of recipient events in accordance with said targeted business". The Specification does not go into any detail in how the recipient events are determined. The recipient events are not shown with a targeted business.

7. Claims 5-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not disclose what are indicia of at least a portion of said selected animation. There is not enablement to show how there are indicia of a portion of selected animation. Also, there is not enablement of applying a visual representation of the portion. Claim 6 discloses a poster and claim 7 discloses a power point presentation but these are not enabled, by the Specification, to apply visual representation of a said portion.

8. Claims 11-13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The Specification is silent on a message user objective and training objective, disclosed in claims 11-13.

9. Claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the

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invention. The Specification does not disclose how to show employee specific positive or negative reinforcement event. One of ordinary skill in the art would not understand how to enable claims 15 and 16.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slechta et al. ("Slechta"), USPN 6,788,987, in view of Bro, USPN 6,249,809.

13. Regarding claim 1, Slechta discloses a method for performing business training communications, comprising the steps of: determining a targeted business [ie. factory environment, Slechta, col. 2, lines 11-18 and col. 3, lines 56-64;

performing a needs analysis to determine a plurality of recipient events in accordance with said targeted business [ie. different events for changeover, Slechta, col. 3, line 55 – col. 4, line 3];

determining a plurality of business training messages in accordance with said plurality of determined recipient events, providing an animation for each of said business-training messages in accordance with said plurality of determined business training messages to provide a plurality of animation systems [Slechta, col. 4, line 41 – col. 5, line 5, line 10];

determining a recipient event and a targeted message recipient [Slechta, col. 5, lines 31-49 and 55-65];

selecting an animation system of said plurality of animation systems in accordance with said recipient event and said business training message of said selected animation system and applying said selected animation system to said targeted recipient [Slechta, col. 5, lines 11-30 and 55-65].

Slechta does not specifically disclose providing, selecting and applying said plurality of animation systems to a message user. However, Bro, in the same field of endeavor, discloses providing, selecting and applying messaging system to a message user [ie. employer messaging worker, Bro, col. 2, lines 11-56 and col. 3, lines 19-22]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the employer messaging the user, taught by Bro, into the animation messaging system, taught by Slechta, in order to have management more control over the use of the animation messages.

14. Regarding claims 2-4, Slechta-Bro further discloses transmitting an email directly to the targeted recipient and transmitting the animation files to the location of the targeted recipient, wherein loading and displaying the animation files using animation programming disposed at the location of the targeted recipient [Slechta, col. 5, lines 16-25] [Bro, col. 6, lines 39-58].

15. Regarding claim 5, Slechta-Bro further discloses providing a digital file containing indicia of at least a portion of the selected animation system to the user; and applying a visual representation of the portion of the selected animation system to the targeted recipient [Slechta, col. 5, lines 16-25] [Bro, col. 8, lines 57-65].

16. Regarding claims 6 and 7, Slechta-Bro further discloses a poster and a power point presentation for applying the visual representation of the portion of the selected animation system to the targeted recipient [Slechta, col. 5, lines 16-65] [Bro, col. 6, lines 39-58 and col. 8, lines 57-65].

17. Regarding claim 8 and 18, Slechta-Bro further discloses providing the plurality of animation systems to the message user and the target recipient by way of the Internet [Slechta, col. 5, lines 16-25] [Bro, col. 5, lines 16-37].

18. Regarding claims 9 and 10, Slechta-Bro further discloses providing the plurality of animation systems to the message user by way of a tangible recording medium,



wherein the tangible recording medium comprises a CD-ROM [Slechta, col. 5, lines 55-65] [Bro, col. 4, lines 33-53].

19. Regarding claim 11, Slechta-Bro further discloses selecting from the plurality of animation systems by the message user a further plurality of animation systems for applying the animation systems of the further plurality of animation system to at least one message recipient in accordance with a message user objective [Slechta, col. 5, lines 16-54] [Bro, col. 2, lines 11-56].

20. Regarding claims 12 and 13, Slechta-Bro further discloses selecting further plurality of animation systems by the message user in accordance with a single training objective or a plurality of training objectives [Slechta, col. 5, lines 16-54] [Bro, col. 2, lines 11-56 and col. 3, lines 30-65].

21. Regarding claims 14-16, Slechta-Bro further discloses an event specific to the targeted employee, an employee specific positive reinforcement event or a negative reinforcement event [Slechta, col. 5, lines 1-15] [Bro, col. 2, lines 11-56 and col. 3, lines 30-65].

22. Regarding claims 17, Slechta-Bro further discloses an event specific to a plurality of employees [Slechta, col. 5, lines 16-25] [Bro, col. 2, lines 11-56].

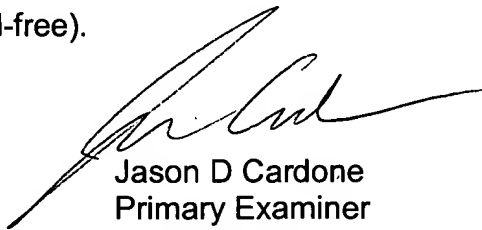
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23. Regarding claims 19, Slechta-Bro further discloses selecting the further plurality of animation systems by the message user from a catalog of system animations provided to the message user along with the providing of step (e) [Slechta, col. 5, lines 16-54] [Bro, col. 7, lines 48-60].

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason D Cardone whose telephone number is (571) 272-3933. The examiner can normally be reached on Mon.-Thu. (6AM-3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on (571) 272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason D Cardone  
Primary Examiner  
Art Unit 2145

December 6, 2004